

**IN THE UNITED STATES DISTRICT COURT FOR
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

UNITED STATES OF AMERICA,)
) **NO. 3:16-cr-00229**
)
v.)
)
LESLIE LARON WEAVER)

MEMORANDUM AND ORDER

Pending before the Court are Defendant's *pro se* letter requesting relief under the First Step Act (the "Act") (Doc. No. 42), and a "Notice Regarding *Pro Se* Motion Under First Step Act" (Doc. No. 47), filed by counsel for Defendant. For the reasons discussed below, the Court finds that Defendant is not entitled to relief under the Act.

Through an Indictment (Doc. No. 3), Defendant was charged with two substantive drug trafficking counts involving cocaine (Counts One and Two), and a firearm offense (Count Three). On July 26, 2017, Defendant pled guilty pursuant to a Plea Agreement, to Counts One and Two, the drug trafficking charges involving cocaine. (Doc. No. 33). The Plea Agreement provided for the dismissal of Count Three. (*See id.* ¶ 3). On May 7, 2018, the Court imposed a total sentence of 120 months of imprisonment on Counts One and Two, and Count Three was dismissed as part of the Judgment. (Doc. No. 39).¹

Through the First Step Act, which was signed into law on December 21, 2018, Congress enacted various federal sentencing reforms. First Step Act of 2018, Pub. L. No. 115-391, 132 Stat 5194 (2018). Section 401 of the Act lowered the statutory mandatory minimum sentence from 20 years to 15 years for those with prior drug trafficking convictions falling within the narrowed categories for which the mandatory minimum sentence would apply. Section 401 applies to

¹ Defendant's penalty range was not enhanced through 21 U.S.C. § 851, and Defendant was not convicted of a Section 924(c) offense. (*See* PSR, Doc. Nos. 33, 39, 47).

offenses committed before the date of enactment, but only “if a sentence for the offense has not been imposed as of such date of enactment.” As noted above, Defendant was sentenced on May 7, 2018, and therefore, Section 401 does not apply to reduce his sentence.

Section 404 of the Act permits courts to grant relief for defendants convicted of a “covered offense,” meaning “a violation of a Federal criminal statute, the statutory penalties for which were modified by section 2 or 3 of the Fair Sentencing Act [...], that was committed before August 3, 2010.” First Step Act § 404. The offense underlying Defendant’s sentence was not “committed before August 3, 2010,” and therefore, Section 404 does not apply to reduce his sentence. *Id.*

Accordingly, Defendant’s request for a sentence reduction (Doc. No. 42) is **DENIED**.

It is so **ORDERED**.



WILLIAM L. CAMPBELL, JR.
UNITED STATES DISTRICT JUDGE